

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3356 OF 2025

Neeru Pravin Jain

...Petitioner

Vs.

M/s. Goldies Lab Chem

Through MR P H. Bhojwani and Anr.

...Respondents

Mr. Dharmesh S. Joshi a/w Ms. Supriya Harugade a/w Ms. Gulnar S. Khan a/w Mr. Imran Khan	Advocate for the Petitioner
Mr. Kunal D. Ambulkar	Advocate for the Respondent
Mr. H. J. Dedhia	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 01st AUGUST 2025

P. C. :-

1. Heard learned Advocate for the Petitioner-accused and learned Advocate for the Respondent-Complainant.
2. The trial Court has rejected the application filed by the accused seeking permission to cross-examine the Complainant vide order dated 09.05.2025. It was rejected mainly on the basis of the observations by

this Court in case of *Somnath Sharad Mandrekar Vs. Ms. Patricia Reiter* in Criminal Writ Petition No. 90 of 2023, decided on 28.02.2023.

3. According to the learned Advocate, the learned Magistrate has wrongly interpreted the ratio in case of *Somnath Sharad Mandrekar (supra)*. He made further submission that law on this point again interpreted by the Hon'ble Supreme Court in case of *Indian Bank Association and Others Vs. Union of India and Others*¹. According to him, if the ratio in these two judgments are to follow in toto there is no need for the accused to open up the defence. The learned Advocate for the Complainant submitted that his client is senior citizen and case is pending since 2017. The issue argued before me requires some consideration. The date before the trial Court is on 28.08.2025.

4. Stand over to 22nd August 2025, at 3.00 p.m..

[S. M. MODAK, J.]

1 (2014) 5 SCC 590